

**REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

The Examiner is thanked for noting the typographical error at claim 1, line 10. This error has been corrected in the above amendment.

The rejection of claims 1-10, 12 and 16-19 under 35 U.S.C. §103 as allegedly being made "obvious" based on the single Retallick '215 reference is respectfully traversed.

Applicant's claim 1 defines an apparatus for controlling the communication load placed upon a human user by a computer system. For example, when the system receives an input request for information from that user, the gathered informational result from that request is scheduled for future delivery at an execution time which avoids that user's current and future activities as identified by the user's workload then known to the computer system. In this manner, for example, a user might submit a request for information even while involved in some other activity but not be distracted by having to deal with the resultant information until some later time when that user's pre-scheduled activity load indicates a break in scheduled activities.

In terms of claim 1, the receiving means receives at least one input from a human user representing at least one task of a first type and also receives information resulting from performance of that at least one task of the first type. However, the system includes a generating means which generates a task of a second type for actually communicating the received information to the human user. The system further includes scheduling means for receiving a user workload input representative of the user's workload and identifying the human user's

current and future activities. The scheduling means then schedules an execution time for the at least one second type of task for communicating the received information to the human user so as to avoid the user's current and future activities as identified by the workload input.

Retallick '215 is, on the other hand, directed to method and apparatus for improved contact and activity management and planning but without any disclosed mechanism for delaying a requested informational response back to the requesting user until some point in time known to the information supply system when that user has a break in scheduled activities.

The Examiner has paraphrased the language of claim 1 and inserted parenthetical notations to certain passages of Retallick '215 as allegedly supporting those particular recitations. However, the undersigned has been unable to understand how the referenced passages could possibly support the claim recitations -- if considered "as a whole" as they must be under 35 U.S.C. §103.

For example, column 5, lines 39-41 and column 10, lines 28-30 merely describe automation of responses to inquiries received at a web site:

"One very practical application of the present invention and the Activity Plan concept described above is the automation of responses to inquiries received by a web site. [5:39-41]

...

"Referring to FIG. 3A, the system 30 can be responsive to an inquiry from a browser 38 communicating over the Internet 39 with a web site 40 via an email link 45." [10:28-30]

...

"As is presently typical, the browser 38 will have to transmit certain specified identifying information to the web site 40, along with a request manifest by selecting certain selectable items at the web site as a condition to getting the requested information. The information delivered to the web site 40 by the browser 38 can then be automatically transmitted to the system 30 via email link 45 in a manner well known in the art. [10:30-38]

The passages referenced at column 5, lines 45-65 and column 10, lines 38-44 are similarly deficient in teaching or suggesting any mechanism for delaying a user's receipt of requested information until some open time in scheduled activities:

"Processing requests for particular information when a variety of different information is available is becoming an increasing problem as the number users of the Internet continues to increase and the number of "hits" that a web site experiences becomes correspondingly larger. With the present invention in place, it is possible for each inquiry to a web site to generate an email message to web site's sponsor containing the information of the selected items that identify the particular information of interest. This email message containing also the requester's (browsers) identification and other information, can be used to automatically create a Contact and initiate an Activity Plan predetermined for the particular selected items identified by the email message. The Activity Plan would automatically send Activities to those persons in the company whose job it is to respond to the particular inquiry carried by the email message, as well as set up follow up tasks and whatever else the company does to initiate contact with a potential customer.

In the preferred embodiment, the web site would be integrated into the invention and the need for an email link would be eliminated. [5:45-65]

...

"The information transmitted over the email 45 link is sufficient to create a Contact record and to initiate an Activity or an Activity Plan. In the alternative embodiment of FIG. 3B, the web site 40 can be integrated into system 30, thereby eliminating the need for the email link 45 of FIG. 3A. Contacts and Activities or Activity Plans are initiated or created via function modules 45a and 45b. [10:38-44]

Similarly, the passages identified by the Examiner as allegedly supporting the applicant's claimed "scheduling means" (column 6, lines 61 through column 7, line 22 and column 7, lines 10-15 and 23-28) are also deficient in respect of any mechanism for delaying the delivery of

responsive information to the requesting user until some detected gap of activity in that user's current and future Activities as identified by a user workload data available to the system:

"The present invention can include a module for task delegation (Task Delegation Module) (sending an Activity to a Recipient) that permits the Sender/Recipient link to be bidirectional. That is, when an Activity is created that establishes an Action (or Activity Type) that requires some task to be performed or response to be made by a Recipient, that task or response is not added to that Recipient's To Do List without limitation, restriction or pre-acceptance. Instead of the Recipient having to manually reject a task by creating another Activity to either send the task back to the Sender or to another Recipient) which the Recipient always has the option to do), the Sender will be alerted that the Recipient is unavailable (such as on vacation, or on a business trip, or not accepting new tasks, etc.). When that occurs, the Sender will have to modify the Activity in order to have it entered (a non-rejecting Recipient is a pre-requisite to entering an Activity). The Task Delegation module creates a high level of sophistication by providing means by which the status of every User's workload is recorded as a Daily Activity Profile and available to be taken into account in allocating tasks. Once a database of Daily Activity Profiles is created, the invention is able to monitor each User's daily workload for available time. Using this information, the invention will permit, permit with warning, reject with warning or reject outright, an Activity sent by a User (Sender) to Recipients, depending on limits established relative to the Daily Activity Profiles. Each User is able to adjust his/her Daily Activity Profile as a way of regulating his/her workload. [6:61-7:22]

"The embodiment of the invention that includes a Task Delegation module of capable of (a) accessing a User's daily workload and providing assistance in the management of that workload, and (b) providing a means of exchanging commitment dialog so that all Users can act in a common environment of committed action. [7:23-28]

While the noted passages provide a semi-automated updating of User's scheduled activities, they do not teach or suggest delaying delivery of requested information to the requesting party until there is some future gap found in the existing workload schedule. Furthermore, as noted in the quoted passages above, even this requires attention by one or both of the parties attempting to schedule some future activity at a mutually convenient and available time.

In short, Retallick '215 is actually directed to a quite different scheduling problem and a quite different method and apparatus than applicant's independent apparatus claim 1 or analogous independent method claim 17. The deficiencies of Retallick '215 with respect to the added limitations of dependent claims 2-10, 12, 16 and 18-19 are even more pronounced.

Claim 1 has been amended to explicitly state that the receiving means is for receiving at least one input from a human user representative of at least one task of a first type. This is the same human user recited throughout the remainder of claim 1, who thereafter receives information from the apparatus resulting from the performance of said "at least one task of said first type". Claim 1 now clearly defines an apparatus for receiving task information from a human user, and then generating and scheduling a further task of a second type to communicate information resulting from the performance of the initial task to the same human user making the initial request -- taking into account a user workload input.

The references made by the Examiner to Retallick relate to the scheduling of a task directed to a user of an activity management system, where the initiation of the task or activity is provided by a different user. For example, the text in column 5, lines 44-62 and column 10, lines 27-40, describes how a customer can input an inquiry to a website, which generates an email message to the website sponsor identifying the information/inquiry of interest (a first type of task). This inquiry is directed to the website, which can then automatically transmit it to the activity management system. The system can then create an activity (a task of a second type), which can be communicated to a suitable user in the system. Thus, in Retallick, there is a customer requesting information from the website, and there is a separate user at the other end of

the system who automatically receives an activity relating to the customer's inquiry. The Retallick system thus differs, even at a very general level, from the claimed apparatus which requires a single human user providing input task information and the same human user receiving an output of further information resulting from the execution of the initial task.

The Examiner has only considered features relating to scheduling of execution time for a task of the second type as being obvious in light of Retallick. However, Retallick merely suggests that workload can be monitored "for available time" thereby allowing a user to "regulate his/her workload", but Retallick does not teach or suggest how this system can be modified to automatically schedule an execution type for the task of the second type. In any case, the disclosure in Retallick relating to workload monitoring relates only to users of the system who are sent activities and not to the users, or more precisely customers, who would input information into the system, such as in the example highlighted above of a potential customer inputting an inquiry to a website.

There is no teaching or suggestion in Retallick of how that system could be modified in order to take account of a potential customer's current and future activities so that an execution time for the task of a second type can be scheduled accordingly. Again, attention is directed to claim 1 which explicitly defines how an input representative of the task of a first type is from a human user and the scheduling of execution time for a task of a second type, while avoiding the human user's current and future activities, is communicating back to the same human user.

Attention is also drawn to new method claim 20 which perhaps more simply recites method steps of accepting a user's input request to the computer information system for

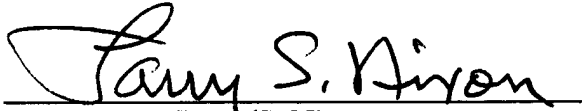
AZVINE et al  
Appl. No. 09/806,694  
February 1, 2006

information to be returned to that user and also scheduling delivery of the requested information to that user at a time that avoids interfering activities as identified in a schedule of activities for that user which is maintained by the computer information system. For reasons noted above, it is believed that this method claim is also patentably distinct from any teaching or suggestion of the cited art.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Larry S. Nixon  
Reg. No. 25,640

LSN:vc  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100